

	Portales Police Department	SOP #	207.01
	Standard Operating Procedure & Policy	OPR. #	07.01 – 07.16
	Traffic		
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I. STATEMENT OF PURPOSE

In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they take into account the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Portales Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

II. TRAFFIC ENFORCEMENT PROCEDURES

A. General

1. It shall be the policy of the Department to enforce the traffic laws of the State of New Mexico and City of Portales in a uniform and consistent manner.
2. Officers shall retain their discretionary privilege and shall exercise sound judgment in reference to traffic law enforcement.

3. Unmarked units may be used for traffic law enforcement. Units must be equipped with a siren, emergency lights in operational order and constant radio communication.
4. There will not be a “quota system” or other procedure by which an employee is required to cite a specific or minimum number of motorists during a specific period of time.
5. When an officer observes a traffic violation, the officer has the discretion to take one of these actions:
 - a. Issue a verbal or written warning.
 - b. Issue a traffic or parking citation.
 - c. Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.

6. A uniform traffic enforcement policy does not preclude the exercise of officer discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.
7. Optional levels of enforcement may be utilized in incidents of:
 - a. Speed Violations.
 - b. Hazardous violations other than speed.
 - c. Public carrier/commercial vehicle violations.
 - d. Other non-hazardous violations.
 - e. Off-road vehicle violations.
 - f. Equipment violations.
 - g. Multiple violations.
 - h. Newly enacted laws and regulations.
 - i. Pedestrian and bicycle violations.
8. Uniform enforcement measures support the ultimate aim of traffic law enforcement which is to achieve voluntary compliance with traffic laws and regulations.
9. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters or reasonableness in conducting such activities.

B. Uniform Traffic Citations

1. The Uniform Traffic Citation will be used when charging a person

with a traffic offense and turned in to a supervisor by the end of shift.

2. All appropriate spaces will be filled in on the face of the citation in black ink and all copies must be legible. (Social Security Number need not be given by driver)
3. If the citation is signed, the blue "Offender's" copy will be given to the violator. If the violator refuses to sign the citation, the violator should be arrested and the citation marked "refused" or "booked" in the signature block.
4. If an Officer makes a mistake or issues the citation in error, the Officer should not mark out the information on the face of the citation but instead void the citation and issue a proper one in its place.
5. Voided citations will be marked "VOID" across all copies and turned in to a supervisor by the end of shift. The Officer will be required to sign the voided citation before the citation is turned in to records.
6. Officers will advise the motorist whether court appearance is mandatory or optional. If a motorist asks for a court appearance or a court appearance is mandatory, the Officer should indicate when to appear in court on the Traffic Citation.
7. Officers should advise the motorist if they will be allowed to pay a fine in lieu of court appearance, the amount of the fine, and that it may be paid by mail, if applicable;
8. Officers should advise the motorist of any other options available to them, if other options apply;
9. Citation Accountability
 - a. When a citation book is needed, the officer shall obtain the book from a Patrol Sergeant. The Patrol Lieutenant is responsible for ensuring that the books are in numerical sequence. Discrepancies shall be reported to the Patrol Lieutenant.
 - b. The Patrol Lieutenant shall be responsible for maintaining a record which includes the numbers of the books, the date of issue and to whom they were given,
 - c. When an officer receives a citation book, he/she will check to see that all citations in the assigned book are in place and in numerical order. Missing or lost citations shall be reported immediately to his/her supervisor and the records clerk.

- d. If any officer places the citation into evidence, the officer will notify the Patrol Sergeant and records supervisor of the citation number.

C. Non-Resident Violators

1. Pursuant to the Non-Resident Violator Compact, NMSA section 66-8-137.1 Article I,(B), motorists who possess a drivers license from a state joining the Non-Resident Violator compact will not have to a post bond if the officer receives the motorist's signed personal recognizance that they will comply with the terms of the citation.
2. Motorists who do not possess a drivers license from another state may be required to post a bond to ensure appearance or may be taken directly to the court.

D. Foreign Diplomats

1. Foreign Diplomats, United Nations mission members, and their dependants should be handled in accordance with normal traffic citation procedures. A copy of all traffic citations issued to a Foreign Diplomat will be forwarded to the U.S. Department of State. Note: Foreign Diplomats with proper credentials and Diplomatic Immunity can not be arrested for failure to sign a traffic citation.

E. Military Personnel

1. Military personnel who are passing through town may be treated as non-residents or, if from this area, as residents. Drivers license of active duty personnel from another state do not expire until 30 days after discharge from service.

F. Legislators

1. Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and going to and returning from the same."

G. Juveniles

1. Juveniles cited for traffic violations are to appear in Municipal or Magistrate court at a day and time scheduled by the Judge. Officers will note on the citation that a parent or guardian must accompany the juvenile to the court. Offenses arising out of the same incident will

not be split between courts.

2. The following traffic offenses will be cited into District Court accompanied with a referral to the Juvenile Probation and Parole Office (JPPO):

- a. Driving while under the influence of alcohol or drugs;
- b. Failure to stop in the event of an accident causing death, personal injury or damage to property;
- c. Unlawful taking or receiving of a vehicle or stolen motor vehicle;
- d. Any homicide by vehicle;
- e. Any injury to or tampering with a vehicle;
- f. Any altering or changing of an engine number or other vehicle engine numbers;
- g. Any altering or forging of a driver's license or permit;
- h. Any traffic offense punishable as a felony;
- i. Reckless driving;
- j. Eluding or attempting to elude a police officer;
- k. Driving with a suspended or revoked license as shown on the Driver History Record.

Note: Open containers by a juvenile should be charged as a delinquent act under Minors allowing self to be served.

H. Citations on Private Property

1. Citations on private property are limited to those violations that are specifically identified by New Mexico State Statutes as being violations within New Mexico as opposed to violations on the street or highway. Those violations generally include:

- a. Driving While Under the Influence of an Intoxicating Liquor/Drug 66-8-102
- b. Reckless Driving 66-8-113
- c. All Hit and Run accidents 66-7-201 to 66-7-206
- d. Designated disabled parking spaces 66-7-352.5
- e. Child Restraint Devices 66-7-369
- f. Off-Highway Motorcycles 66-3-1001 – 66-3-1016
- g. Additional Parking Restrictions (Fire Lane)

I. Warning Citations

1. Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the Officer feels the warning is sufficient to correct the violation.

J. Uniform Citation Log

1. Supervisors are responsible for maintaining a citation log indicating the date and citation books that were issued to individual officers.

K. Traffic Stops

1. Officers making traffic stops shall contact the dispatcher and advise that a vehicle is being stopped, the location, the license plate number and/or the vehicle description.
2. The Officer making the stop shall direct the violator to a suitable and safe stopping point where the normal traffic flow will not be impeded.
3. When possible, Officers shall avoid using private drives and business access areas (when open) for traffic stops. Care shall be taken to avoid inconvenience to property owners or patrons.
4. After stopping traffic violators in residential areas at night, the Officer may use directional arrows instead of the flashing emergency lights if there is no traffic hazard or need to signal location to additional units.
5. Traffic stops should be made at the right-hand edge of the roadway.
6. Officers shall exercise caution when approaching the violator's vehicle, observing for any suspicious activity by the vehicle's occupants. The approach method employed should be based upon the Officer's training, experience and the circumstances surrounding the stop.
7. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the officer a better view of what is happening inside the violator vehicle.
8. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The proper form must be filled out by the officer, and shall include the gender of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
9. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof on the appropriate department forms, including a "consent to search form ". If the individual indicates that

they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate 'consented to search but refused to sign', inserting initials and the signature of any witness in the signature block.

10. If the police unit is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey. If the unit does not have video the officers shall use an on-body recording device. If the officer does not have an on-body recording device then the officer will use a belt recorder. If the motorist is arrested, the video and/or audio tape will be saved and placed in evidence or the officer files on the department computer base.
11. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
12. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.
13. Officers should maintain a professional image, in a pleasant, firm and businesslike manner.
14. Driver's license and insurance cards shall not be accepted until they are removed from a wallet or billfold.

L. Arrestable Traffic Offenses

1. The following offenses are arrestable pursuant to State Statute:
 - a. Driving while under the influence of alcohol or drugs;
 - b. Leaving the scene of an accident;
 - c. Reckless driving;
 - d. Any Felony;
 - e. Refusing to give written promise to appear;
 - f. Driving while license is suspended or revoked for alcohol/drug related offense as noted on the Driver's license inquiry.

M. Off-Duty or Non-Uniformed Personnel

1. Off-Duty or Non-Uniformed personnel shall not enforce

misdeemeanor traffic laws. Any serious violations observed should be turned over to on-duty and properly uniformed Officers.

III. Crash Investigations

A. General Policy

1. As a general rule, the first responding officer should take charge of the scene until relieved of such duties.
2. Officers responding to the scene of a reported crash have the following responsibilities:
 - a. Determine the need, if any, for EMS response;
 - b. Identify potential or actual fire hazards or dangerous conditions so that appropriate action can be taken;
 - c. Determine the need for additional assistance;
 - d. Protect the scene;
 - e. Establish safe movement of traffic around the crash scene.
 - f. Collect the necessary information to complete a thorough investigation and file a report.
3. It is the intent of the Department to expedite the removal of debris and vehicles from the roadway. A towed vehicle report will be completed and the vehicle removed as soon as practical.
4. Officers investigating a traffic crash will wear an appropriate traffic vest before entering or while in the roadway.
5. While, under normal circumstances, a diagram of the crash scene is standard procedure for crashes involving injury and or property damage over \$500. Exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report. Exigent circumstances may include, but not be limited to:
 - a. Severe weather, or
 - b. When public safety outweighs the need for a diagram.
 - c. If the crash does not involve injury, the officer may elect to record measurements in the narrative section of their report in lieu of a diagram.

6. If fire and/or hazardous materials are discovered to play an important role which could hamper the investigation, the policy covering hazardous material response will be followed. The crash investigation will become a secondary issue.
7. Officers should use their discretion when issuing citations for violations resulting in traffic crashes.

B. Crash Reports

1. The Portales Police Department utilizes the Uniform Traffic Crash report form to investigate all motor vehicle crashes that occur within the City limits of Portales.
2. A Uniform Crash Report will be completed on all of the following crashes:
 - a. All crashes on the street or highway when reported immediately. (Alleyways are considered the same as streets for the purpose of determining crash report responsibility.)
 - b. All crashes on public or private property resulting in bodily injury (complaint or visible) or death of any person.
 - c. All crashes on public or private property involving the following offenses:
 - i. Driving While Under the Influence of an Intoxicating Liquor/Drugs 66-8-102
 - ii. Reckless Driving 66-8-113
 - iii. All Hit and Run crashes 66-7-201 to 66-7-206
 - d. All crashes involving City of Portales property.
3. Officers are required to locate witnesses and record their statements on one or all of the above crash reports. Officers are also required to obtain driver statements and record their statements on one or all of the above crash reports.
4. All crash reports will be completed by the end of the officers shift.
5. Items such as purses, wallets, jewelry, firearms and large sums of cash, shall be removed and placed into evidence for safe keeping (in accordance with the evidence policy) unless otherwise directed by a shift supervisor. If large sums of money are removed from the vehicle the two person rule will be in effect. The officer will attempt to have

all personal property delivered back to the owner in a timely manner. If the officer has trouble contacting the owner the officer can request assistance from the evidence custodian.

6. Vehicles which are disabled due to the traffic crash will be towed as authorized by the officer, the driver or registered owner. If authorized by the officer a completed towed vehicle report will be attached to the crash report and a copy will be given to the towing service.
7. Portales Police Department generally does not investigate delayed crashes, which are crashes that occurred longer than seventy-two hours. Officers may give the motorist a financial responsibility form.

C. Crashes involving damage over \$500.00 or injury

1. Upon arriving at the scene of a crash if the investigating officer determines that the damage to the vehicles is over \$500.00 or an injury is reported, a State Crash Report will be completed.
2. If both vehicles are still in their final resting positions upon officer(s) arrival, measurements of the crash scene will be taken and included in the crash report narrative. Photographs will be taken and a diagram will be completed for all injury crashes and/or court cases.
3. Included in this diagram will be:
 - a. The final resting positions of the vehicle(s) involved;
 - b. Any fixed objects involved in the crash;
 - c. Final resting positions of any pedestrians or bicyclists involved;
 - d. Any other vehicles or fixed objects that might have contributed to the crash;
 - e. Any physical evidence left on the roadway (skid marks, gouges, scratches, yaw marks, debris, etc.); and
 - f. Anything that might assist in a thorough and complete investigation of the crash.
4. At minimum, Photographs will be taken in the following manner:
 - a. 90 degree angle to all four sides of the vehicles and damage of the vehicles
 - b. License plates of all vehicles
 - c. Damage of all other objects damaged during the crash
 - d. Photograph of the intersection

D. Crashes involving uninsured motorists

1. If, during your investigation, you determine that an involved vehicle

does not have proof of liability insurance and the vehicle is registered in New Mexico the following procedure should be followed:

- a. A citation will be issued to the driver for "Insurance Required".

E. Private Property Crashes

1. An investigation and report will be made on crashes occurring on private property in the following instances; otherwise a Private Property Crash Report will be utilized.
 - a. If there is injury as a result of the crash;
 - b. If the motor vehicle collides with and damages a building; or
 - c. Enforcement will be taken when indicators are present that a person could be driving under the influence of intoxicants or reckless driving.
 - d. The shift supervisor has the ultimate authority in determining what types of private property crashes require a report by an officer.
2. Hit and run crashes on private property will be handled in the following manner.
 - a. The words "Private Property" will be checked on the Crash Self Report and all known information will be listed on the form.
3. Nothing in this section applies to the investigation of motor vehicle crashes, which originated on public roadways and come to final position within the bounds of private property.

F. Fatal Crash Investigation

1. Once an officer arrives at the scene and it is determined that the crash is a fatal, the on duty supervisor will be notified along with Command Staff. If no supervisor is on duty, one will be contacted.
2. The on duty supervisor will supervise all activities at the scene of a fatal crash. The on duty supervisor will assign officers to perform tasks relating to the crash, and make notifications to the District Attorneys Office and OMI.
3. Once an officer arrives at the scene and it is determined that the crash is involving a fatality, the scene will be secured and treated as a crime

scene.

4. Upon arrival, the crash will be a joint investigation of patrol, traffic crash investigator(s) and Detectives. Patrol traffic crash investigators and detectives will be responsible for the crash scene at this point and no one will be allowed into the secured scene unless requested/authorized.
5. Upon arrival of supervisors, all information that has been obtained prior to their arrival will be relayed to them.
 - a. If an officer has witness information this information will be given to the investigating officer(s).
 - b. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating officer(s).
 - c. If the witness has been allowed to leave, the officer receiving the information and statement from the witness will complete a supplement with the witness' statement.
6. The on duty supervisor or his appointee will ensure that there are enough units present at the scene to provide adequate crowd and traffic control. The scene will remain secure until released by the investigating officers.
7. The Patrol Supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.
8. The Patrol Supervisor will be responsible for ensuring that the proper reports have been completed and submitted.
9. In the event a crash investigator is not available, the on duty supervisor will contact New Mexico State Police or an agency with qualified investigators.
10. The on duty supervisor has the authority to call out additional units on any crash (with or without injury) if they feel additional, units are needed.

G. Crashes involving Commercial Trucks or Buses

1. If a commercial truck or bus is involved in a crash, the officer shall request the New Mexico Motor Transportation Department for an inspection if available.

H. Crashes involving City Vehicles

1. Crashes involving City vehicles, other than police vehicles, will be investigated as previously mentioned in sections covering crashes.
 - a. If either the City employee or the other party involved in the crash is issued a citation they will be cited into court for the next court date.
 - b. The City employee will be responsible for completing the Damage to City Property Report on their department vehicle.
 - c. The on duty Patrol Supervisor will be immediately advised of the crash, as well as the supervisor of the City employee involved and City Clerk will be contacted and advised of the crash.
 - d. The Uniform State Crash report will be completed and a copy forwarded to the City Clerk.

I. Crashes on City Property

1. A Uniform State Crash Report will be completed on all crashes that occur on City property.
2. Before enforcement action is taken the investigating officer will ensure that the statute/ordinance covers City owned property remembering that some violations can only occur on a street, highway or alley.

J. Hit and Run (Leaving the Scene of an Accident)

The following procedures will be used in accidents involving hit and run circumstances:

1. First officer to arrive on the scene shall:
 - a. Administer first aid and advise the Communications Center when emergency equipment is needed;
 - b. Obtain information and dispatch a lookout on the suspect's vehicle; and
 - c. If the hit and run accident involves a fatality or great bodily harm, notify a superior officer.
2. The officer receiving the call will handle the investigation and report as follows:
 - a. Investigate and, if possible, determine the cause of the accident;
 - b. utilize departmental issued digital camera equipment to

- photograph the scene;
- c. Obtain any other evidence that would aid in identifying the suspect's car;
- d. If possible, give additional information for lookout broadcast;
- e. All evidence collected at the scene shall be tagged into evidence;
- f. Complete a vehicle accident report and mark clearly on that report that the accident is a hit and run; and
- g. Complete an incident report.

K. Crashes involving Hazardous Materials

1. Hazardous Materials are defined as those substances, which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.
2. The primary responsibility of the Portales Police Department at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control.
3. Duties of Officer:
 - a. From a safe distance, assess the situation, then request Communications personnel contact the Portales Fire Department. They, in turn, will contact any other appropriate personnel.
 - b. Evacuate the scene
 - c. Notify the on-duty supervisor of the situation.
 - d. Establish a safe perimeter around the scene using additional units as necessary.
4. Duties of Shift Supervisor:
 - a. Confer with the appropriate Fire Department personnel regarding evacuation of the area and establishment of a safe perimeter.
 - b. Notify the Lieutenant.
 - c. Ensure that involvement of police personnel within a contaminated area is minimized.
 - d. Once scene has been deemed safe, the crash investigation may begin.

L. Follow up Investigations

1. If a follow-up investigation is required for a reported crash, it is the responsibility of the original investigating officer. If information is

obtained by a secondary officer, that officer will complete a supplement and ensure that a copy is forwarded to the original investigating officer. Any supplemental information should be documented as soon as the information becomes known.

2. The exception to this policy is for hit and run reports. Any follow-up investigation completed as a result of a hit and run crash shall be documented within five (5) working days. If no further information is developed during that time period, a supplemental report will be filed providing that information.

M. Disturbances between Involved Parties

1. Occasionally responding officers may find involved parties of a crash engaged in a dispute. The resolution of this dispute should take precedence over the crash investigation. If necessary, additional officers should be requested in order to complete the investigation and resolve the disturbance as quickly as possible.

IV. TRAFFIC CONTROL PROCEDURES

A. Statement of Purpose

In furtherance of public safety, it may be necessary for an officer to manually regulate the flow of traffic around crash scenes, fire scenes, other hazards on or near the roadway, or during special events. The purpose of manual traffic control is to insure an orderly flow of traffic, prevent congestion, and insure the safety of motorists and pedestrians.

B. General Provisions

1. Manual traffic direction is performed in emergency situations, crash scenes and at areas determined to be problem areas.
2. Officers actively involved in manual traffic direction shall wear issued reflective vests.
3. Uniform hand signals shall be utilized and whistle techniques may be used by officers to communicate understandable messages and directions to any driver or pedestrian on the roadway coming into or close to an area where an emergency situation, or any circumstance where officers are using manual traffic direction techniques.
 - a. Officers using manual traffic direction use open hand, stiff arm techniques for stopping traffic flow and continued traffic flow.
 - b. Officers may indicate traffic signals with whistles along with

hand gestures using the following method. If whistle techniques are used a long continuous blast is used to stop approaching traffic. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement or to indicate a turning movement.

C. Special Events

1. As supervisors become aware of special events such as parades, sporting events, etc., a contingency plan is prepared for traffic direction.
2. Contingency plans address the following factors:
 - a. Entry and exit of vehicular traffic
 - b. Parking facilities
 - c. Spectator control
 - d. Use of temporary traffic control devices

D. Fire Scenes

1. The primary responsibility of the Portales Police Department in responding to a fire call is the protection of life, traffic control and crowd control. In responding to a fire call, officers should be cognizant of where the fire is in relation to intersections, potential use of fire hydrants and fire lines in the roadway and should park accordingly.
2. Members of the Portales Police Department have not been trained in firefighting and do not carry the necessary equipment, aside from a small chemical extinguisher. Before attempting to fight a fire, officers should consider the safety hazards and potential for injury.
3. In the event of a fire or other emergency, police personnel direct traffic as conditions may require, in order to:
 - a. Expedite or direct traffic flow
 - b. Safeguard pedestrians and motorists
 - c. Safeguard emergency personnel, emergency operations and equipment

E. Adverse Roads and Weather Conditions

1. During periods of adverse weather and road conditions, officers provide traffic direction or assistance on an emergency basis, as needed
2. If assistance is required from other City departments or agencies, on-

call personnel for these departments are notified as soon as possible. A call list for these departments is maintained in the Communications Center allowing for 24 hours access. Officers maintain manual traffic direction until the roadway is safe for travel.

F. Temporary Traffic Control Devices

1. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required responsibility for requesting these devices rests with the person in charge of the scene.
2. The Department has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.
3. In the event that circumstances warrant the manual operation of traffic control devices, the department will contact the New Mexico State Department of Transportation.
4. In the event that the traffic control signals or arms for the railroad are not functioning or malfunctioning, the department will contact BNSF Railway 864-5576

V. ESCORT SERVICES

A. Emergency Escorts

1. Department vehicle escorts can be provided for Dignitaries, Public Officials, Parades, Funerals, or other such events.
2. Unless specifically authorized by a supervisor, officers will not provide an emergency escort of a privately owned vehicle.
3. Officers will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment.

B. Funeral Escorts

All funeral procession escorts must be approved by the chief or police of his designee. All such requests must be made at least twenty four hours in advance.

1. Upon arrival at the funeral, contact the director or agent to confirm which cemetery is being used.

2. Upon contact with the agent remind them if they approach an unprotected controlled intersection to stop and wait for the police escort.
3. When the casket is moved from the building to the hearse, officers will stand at 'parade rest'.
4. Two methods of escorts are approved prior to leaving the funeral home/church, officers should decide which one will be utilized
 - a. Relief: A unit holds an intersection until the following unit catches up and relieves him. The first unit then moves on to the next intersection.
 - b. Leapfrog: A unit holds an intersection and remains there while secondary units come by them going to the next intersection. This requires that the unit allow room for the secondary units to pass.
5. No officer of the Portales Police Department shall exceed the posted speed limit while escorting a funeral.
6. No officer shall drive in any manner so as to endanger the public while on escort duty.
7. No officer shall leave any intersection which is controlled by a stop sign or traffic signal unprotected

VI. ROADBLOCKS

- A. The use of a roadblock must be authorized by the patrol supervisor.
- B. Generally, a roadblock will be employed only as a last resort.
- C. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
- D. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.

VII. MOTORIST ASSISTANCE

This order has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

- A. The Portales Police Department does not respond to calls for motorist assists if the complaint is that keys are locked in vehicles or they can't start them. The only exception to this is if exigent circumstances exist (ie, small child locked inside). Motorists will be advised they should seek assistance through other means (i.e., locksmith, private company, family, etc.).
- B. The Portales Police Department will contact a towing service for a stranded motorist. The motorists need to be told that they are responsible for the cost of the service, the City does not pay the cost. The officer needs to request this assistance, along with the name of the requestor, and Communications will contact and dispatch a tow truck to the scene. The towing service utilized should be at the choice of the requestor.
- C. If the vehicle is a traffic hazard, the officer should stand by until arrival of the towing service and to ensure the protection of the stranded motorist.
- D. Emergency Assistance
 - 1. In emergency medical situations, department personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and/or prevent further harm based on each officer's level of training and abilities.
 - 2. If first aid is necessary, the officer should radio for an ambulance to respond while rendering first aid.

VIII. HIGHWAY HAZARDS

At any time when a highway hazard exists, the officer shall request Communications personnel to notify the proper agency. The Patrol Officer needs to advise Communications personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day. After hours call-out of City of Portales personnel must be approved by a supervisor prior to call-out. The following is examples of types of highway hazards:

- A. Traffic light in need of repair (this includes light out or not working properly);
- B. Traffic control device down (I.e., stop sign, yield sign, school crossing, etc.)
- C. Electrical power lines;
- D. Large debris in roadway (if after hours, try to remove to side of road if possible);
- E. Breaks in water, gas or other utility mains;
- F. Snow/Ice on roadway (to determine the need for some type of service);
- G. Fire hazards needing attention;
- H. Defects in the roadway;
- I. Street light(s) out;
- J. Dead animals/injured animals.

IX. DWI INVESTIGATIONS

The Department encourages officers to enforce Driving While Under the Influence of Intoxicating Liquor or Drug statutes in order to remove persons suspected of driving under the influence of alcohol, or other substances, from public places. The procedures are intended to serve as guidelines in D.W.I. Enforcement.

A. Arrests

Officers suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:

1. Routine Traffic

- a. Observe the suspect's driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle.
- b. Stop the vehicle at a safe location for the protection of the suspect, officer, and any vehicular traffic.
- c. Observe the suspect to determine if he might be under the influence. Once this is determined, request that the suspect take sobriety tests, which are described in the next section.
- d. When it is determined that the person may be intoxicated, the suspect should be placed under arrest.
- e. The suspect's vehicle shall be towed, following the department policy. The vehicle may be released to a responsible person at the officer's discretion.
- f. Transport the suspect to the Portales Police Department for booking and a breath/blood test.
- g. Advise the suspect of the Implied Consent Act, and request him/her to give a sample of his breath, blood, or both. If the suspect refuses, inform him of the consequences of refusing. If a substance other than alcohol is suspected, a blood test should be requested.

2. Crash Investigations

If there is probable cause that a driver involved in a crash is intoxicated, the same procedures apply as above with the following exceptions:

- a. If injuries sustained in the crash are fatal, life-threatening or may result in great bodily harm, the district attorney's office

will be contacted via telephone for consultation prior to any charges being filed.

B. Sobriety Tests

Standard Field Sobriety Tests (SFST's) shall be administered unless medical/age impairment exists. Alternative sobriety tests will be administered if SFST's are not appropriate.

C. Required Paperwork for DWI Arrests

1. Arrest Report: An arrest report will be completed on each DWI arrest. The narrative section of the report should provide in detail the series of events that lead to the subject's arrest for DWI.
2. DWI Citation: A DWI Citation and Officer's Statement, on a form approved by the State, will be completed on each DWI arrest.
3. Criminal Complaint: A Criminal Complaint will be completed on each DWI arrest. If this is a second or subsequent arrest, it must be annotated on the Criminal Complaint.
4. Intoxilyzer Report: A copy is given to the suspect, a copy is attached to the MVD paperwork and a copy is attached to the arrest report and forwarded to Records division.
5. Blood Kit Report: A Blood Kit Report, on a form approved by the State, will be completed on any DWI arrest where a sample of blood is drawn in addition to, or instead of, a breath sample.
6. If the subject has a valid, current New Mexico Driver's License in their possession, and the BAC was over .08 for drivers 21 years of age or older (.02 for drivers under the age of 21), or if the test is refused, the driver's license will be confiscated. The 'Notice of Revocation' will be provided to the offender.

D. Breath Testing Instrument Operation

1. Only officers that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
2. The subjects will be informed of the Implied Consent Act and a 20 minute deprivation period will be observed with no substances in their mouth.
3. After the deprivation period time has expired, the subject will be requested to provide a sample of his breath, blood, or both. If the subject refuses, he will be advised of the consequences for refusing to

submit to chemical testing of his breath, blood or both.

4. If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations established by the New Mexico Department of Health.
5. After testing is completed, the subject will be provided with a copy of his results as soon as they are available to the officer.
6. Officers will ensure that the required information is recorded in the Intoxilyzer Log Book.

E. Blood Testing

1. If a subjects B.A.C. is low, and in the officer's opinion is not consistent with his/her apparent level of intoxication, the officer may choose to complete a blood test also to test for drugs.
2. If the subject sustained injuries as a result of the crash and in all likelihood will not be able to perform a breath test, a blood test will be requested.
3. If a blood test is requested, the person will be transported to a medical facility as needed and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.
4. When a blood test is used, the Notice of Revocation will not be forwarded to MVD but will be maintained in the approved location until the results are returned from the blood test. Once they have been received, the arresting officer should place a copy of the Notice of Revocation and the original test results in the Record's basket to be filed in the subject's arrest file.
5. Once the subject has submitted to a test(s) of our choosing, they may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:
 - a. The subject will be allowed to contact a physician or nurse of his/her choosing by phone to make arrangements to meet to draw the blood.
 - b. A standard blood kit approved by the state will be used regardless of whom draws the blood.
 - c. Once the blood is collected, the arresting officer will complete

an evidence and place into evidence.

- d. The arresting officer will complete and provide the suspect a copy of the evidence form as a receipt for the blood. The officer will advise the subject of their responsibility to advise the Department which independent laboratory they wish the sample to be sent to.
- e. The blood sample will be maintained in evidence at the Portales Police Department for a minimum of 90 days. At the conclusion of that 90 day period, the arresting officer will obtain a disposition on the case.
 - i. If there has been a conviction and sentence has been imposed, the blood sample will be maintained for another 30 days following the sentencing date. Following this 30 day period, if an appeal has not been filed the blood sample will be destroyed. If an appeal has been filed, the sample will be maintained until a final disposition is determined.
 - ii. If no disposition is available after the 90 day period the sample will be maintained until a final disposition is determined.

F. Sobriety Checkpoints

Sobriety checkpoints are an established means of deterrence and public education and have withstood constitutional scrutiny when properly implemented. The effectiveness of a checkpoint should be measured by the reduction of alcohol related crashes and not simply by the number of persons arrested as a result of a checkpoint.

1. Role of supervisory personnel:

- a. The selection of the site and procedure for conducting it must be made and established by supervisory law enforcement personnel rather than officers in the field. This is essential to reduce the possibility of improper, unbridled discretion of the officers who meet and deal with the motoring public.

2. Restrictions – no discretion of field officers:

- a. It is important that the discretion of field officers be restricted. Automobiles should not be stopped randomly. It is wise to instruct officers orally and in writing on uniform procedures to be utilized when stopping motorists. As nearly as possible, each motorist should be dealt with in precisely the same

manner.

3. Safety:

- a. The safety of the motoring public and the field officer should also be given proper consideration. Safety measures aimed at warning approaching traffic, the degree to which the roadblock causes traffic congestion and whether the roadblock is set up on such a way so as to put the motoring public and officers in unnecessary peril.

4. Reasonable Location:

- a. The location of the roadblock is significant in determining the degree of intrusiveness and safety of the public and police.

5. Time and duration:

- a. This factor also bears on the intrusiveness and effectiveness of the roadblock. Reasonableness is the standard.

6. Indicia of official nature of the roadblock:

- a. The official nature of the roadblock should be immediately apparent. Officers in the field should be uniformed; police cars should be marked; and warning or stop signs, flares and pylons are advisable. The roadblock scene should strike an appropriate balance to provide for high visibility at the roadblock, yet minimize the potential fear and apprehension to the public. In addition to being important for safety reasons, these indicia will reassure motorists that the stop is duly authorized.

7. Length and nature of detention:

- a. The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized. This will avoid lengthy delays and traffic congestion. Initially, motorists should be detained only long enough to be informed of the purpose of the stop and to look into the vehicle for signs of intoxication. Where facts within the observation of the officer warrant further investigation, the suspected motorists should be asked to pull into a separate testing area so as not to unreasonably inhibit the flow of traffic

8. Advance publicity:

- a. The deterrence value of any roadblock and its reasonableness

for sobriety checks will be enhanced if given widespread publicity.

G. Site Selection and Safety Considerations

1. General:

- a. Selection of sobriety checkpoint sites must consider the safety of the public and all Portales Police personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull the suspect's vehicle off the roadway for further inquiry and testing if reasonable suspicion of DWI is developed. Alternate sites will be selected in the event that primary areas are unavailable. In order to conduct a sobriety checkpoint. The Decision to set up a sobriety checkpoint, the selection of the site, and the procedures for conducting it must be and approved by the chief of police or his designee prior to each occasion.
- b. To insure maximum safety precautions for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, and police cars with warning lights flashing should be utilized.

H. Notice to Public/Media

The public that precedes this operation serves to educate and inform the public of our enforcement efforts. The media attention is aimed at deterring the potential DWI offender. Advance notice to the public must be made. The date of the intended checkpoint is to be announced without disclosing the precise location. The specific media utilized should depend on local availability. There should be some statewide media exposure with this plan.

I. Operational Procedure

1. Every vehicle is to be stopped.
2. The driver, primarily, is to be questioned since driving while under the influence of intoxicating alcohol or drugs is the purpose for the checkpoint.
3. The vehicle is to be detained for no more than approximately three minutes, unless reasonable suspicion exists that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle.

4. The occupants of the vehicle are to be told the purpose of the stop.
5. If traffic begins to back up creating traffic congestion, all of the stopped vehicles are to be waved through.
6. A driver will be allowed to continue after the initial stop unless the Officer develops, by observation, a reasonable suspicion that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle.
7. A typical checkpoint should last no longer than necessary to achieve its stated purpose.
8. Upon completion of a checkpoint operation, or soon thereafter, the supervisor will note the checkpoint activity and he or she will forward the reports to the Traffic Safety Grants Administrator and Support Services Lieutenant.
9. No deviations of these procedures are allowed without the express permission of the field supervisor.

X. TOWED VEHICLES

The procedures outlined in this order are intended to guide officers in making decisions to tow vehicles.

A. Wrecker Service

Requests for wrecker service by any member of this department acting in an official capacity of the City shall be restricted to the wrecker on call in accordance with the wrecker rotation schedule unless the owner or operator of the vehicle to be towed request a wrecker from a specific company

B. When vehicles may be towed:

If feasible, in all cases the vehicle will be secured, parked and left at the scene, however the responding or arresting officer shall have the authority to remove any vehicle from any location within the City, when:

1. Such vehicle has been found to be in violation of any City ordinance, which requires the towing and removal of such vehicle.
2. The driver of the vehicle has been found to be incapacitated by the use of alcohol or drugs and the driver is arrested, and the vehicle cannot be secured, parked, and left at the scene.
3. The vehicle is abandoned, wrecked, or vandalized, or it is parked in such a manner as to cause a traffic hazard.

C. Owner/operator options

The owner/operator of a vehicle may select a wrecker of his/her choice or to release his vehicle to a qualified driver present at the scene to legally park the car.

1. The owner/operator of the vehicle may exercise one of the above options, following a determination by the arresting officer that the suspect is capable of making a rational decision, the suspect is physically able, and the vehicle is not needed as evidence of a crime.
2. The arresting officer will explain to the suspect that the Portales Police Department is not responsible for the vehicle or its contents once the vehicle has been legally parked and secured.

D. Towing Requirements

1. General:

- a. Members or employees will not request wrecker service for vehicles abandoned on private property unless such vehicle is needed for evidence purposes involving a criminal offense.
- b. The officer who authorizes the towing of a vehicle for any reason will complete a towing report and include the towing information in the offense report, which must be written to describe the incident precipitating the towing.
- c. Communications will maintain a record log of all towed vehicles.
- d. All tow sheets will be forwarded to the records department.
- e. An inventory will be made of the property in a vehicle to be towed.

E. Vehicles involved in crashes

1. Vehicles involved in crashes will be towed when:

- a. The driver/owner has been taken from the scene due to injuries or illness and the vehicle cannot be released to a qualified driver nor legally parked.
- b. The vehicle is causing a traffic obstruction and cannot be driven from the scene because of damage, or it is inoperable.
- c. The driver/owner requests a wrecker.

- d. The vehicle is needed for evidence of a crime.
 - e. The driver has been arrested for Driving While Intoxicated and the car cannot be released to a qualified driver nor legally parked.
 - f. If the owner of a recovered stolen vehicle cannot be contacted.
 - g. The vehicle requires further examination as a result of a fatal or serious injury accident.
2. If the vehicle is left at the scene, the location of the vehicle will be included in the offense report. The vehicle keys, along with a note indicating the location of the vehicle, will be placed in the driver's personal property

F. Vehicles towed for evidentiary purposes

- 1. Vehicles will not be towed to the police station to be processed for evidence unless requested by Investigators.
- 2. Vehicles towed, as evidence will have a hold placed on them by the towing officer. Vehicles to be processed by investigators will be towed by requested wrecker.
- 3. Vehicles belonging to the victims of crime which need to be processed for evidentiary purposes:
 - a. Shall be processed at the scene whenever practical.
 - b. Shall be towed, if necessary by requested wrecker whenever possible.
 - c. The Department shall withstand expenses incurred in towing and victim's car needed for evidentiary purposes to the police station only; that is, the Department shall not pay for the commercial wrecker used to tow the victim's car away from the police station after the processing.
 - d. May be stored at a City garage if protection from the elements is required.

G. Vehicles believed to be abandoned

- 1. Upon observing a possible abandoned vehicle:
 - a. Make stolen vehicle inquiry.
 - b. Check if vehicle is violating parking restrictions.

- c. Obtain a license plate reading and attempt to contact the owner and have him remove the vehicle.
- d. If the owner cannot be contacted or refuses to move the vehicle, a police report will be made and referred to City code enforcement officers.
- e. The officer requesting the wrecker will be responsible for attempting to contact the owner of the vehicle prior to the tow.
- f. Motorcycles with altered, mutilated or no vehicle identification numbers are to be towed in the same manner as other motor vehicles.

H. Vehicle holds

1. Officers will only place holds on vehicles under the following circumstances:
 - a. The vehicle has been impounded lawfully and the owner or operator cannot produce satisfactory proof of ownership. In this case, the impounding officer will write on the impound form "Hold for proof of ownership." The officer will authorize the wrecker service to release the vehicle upon production of satisfactory proof of ownership.
 - b. The vehicle has been impounded for evidentiary purposes and the officer or detectives anticipate obtaining a warrant for the vehicle. In this case, a search warrant must be obtained in a timely manner. After execution of the warrant, the officer or detective shall release the vehicle if it is no longer needed as evidence.
 - c. In cases where the vehicle is subject to forfeiture under New Mexico Law, the vehicle shall be impounded and a hold placed on the vehicle under forfeiture proceedings can take place.